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In re Application of	:	
ZILVOLD, et al.	:	
Application No.: 10/550,697	:	
PCT No.: PCT/NL03/00234	:	REQUEST FOR STATUS
Int. Filing Date: 27 March 2003	:	
Priority Date: None	:	UNDER 37 CFR 1.42
Attorney Docket No.: HMNZ 2 00040	:	
For: APPARATUS FOR CARRYING OUT AN	:	
ELECTROLYTIC PROCESS ON A	:	
HALOGENIDE COMPOUND	:	

This decision is in response to applicant's papers filed 04 October 2006 in the United States Patent and Trademark Office (USPTO). The correspondence is being treated as a submission of papers pursuant to 37 CFR 1.42. No fee is required.

### **BACKGROUND**

On 27 March 2003, applicant filed international application PCT/NL03/00234. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 October 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 27 September 2005.

On 27 September 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the requisite basic national fee, an Information Disclosure Statement and a First Preliminary Amendment.

On 09 August 2006, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the required response and advised that extensions of time were available pursuant to 37 CFR 1.136(a).

On 04 October 2006, applicant filed the declaration discussed herein.

### DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The filed declaration is executed by Hendrik Martin Zilvold as legal representative on behalf of deceased joint inventor Gerrit Albert Zilvold. The declaration sets forth the residence, citizenship and post office address for both the deceased inventor and the legal representative, as well as, stating that Hendrik Martin Zilvold is executing the declaration in his capacity as the legal representative. However, the declaration is not in compliance with 37 CFR 1.497 (a)-(b) in that the published international application lists Hendrik Martin Zilvold as an applicant and inventor while the signed declaration only identifies Hendrik Martin Zilvold as the legal representative to the estate of Gerrit Albert Zilvold.

In addition, the declaration lists Gerrit Albert Zilvold as the sole inventor and states "that Gerrit Zilvold reviewed and understood the contents of the above-identified specification..." thus leaving the impression that Hendrik Martin Zilvold is not an inventor in the application.

### CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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